

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

COMPLAINT NO. 00-077

**MANDATORY PENALTY
IN THE MATTER OF
SAUSALITO-MARIN CITY SANITARY DISTRICT
SAUSALITO
MARIN COUNTY**

This complaint assesses Mandatory Penalties pursuant to Water Code section 13385(h) and/or (i) is issued to the Sausalito-Marín City Sanitary District (hereinafter the Discharger) based on a finding of a violation of Waste Discharger Requirements Order No. 95-107 (NPDES No. CA0038067).

The Executive Officer finds the following:

1. On May 26, 1995, the Regional Water Quality Control Board, San Francisco Bay Region, (Regional Board) adopted Waste Discharge Requirements Order No. 95-107 (NPDES No. CA0038067), for Sausalito-Marín City Sanitary District, to regulate discharges of waste from the wastewater treatment plant.
2. Water Code section 13385(i) states: A MMP of three thousand dollars (\$3,000) shall be assessed for each violation, not counting the first three violations, if the discharger does any of the following four or more times in any six-month period:
 - a. Exceeds a waste discharge requirement effluent limitation;
 - b. Fails to file a report pursuant to Section 13260;
 - c. Files an incomplete report pursuant to Section 13260;
 - d. Exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.
3. Order No. 95-107 includes the following effluent limitation:

**B. Effluent Limitations
Concentration Criteria for Toxic Pollutants**

- (i) The Sausalito-Marín City Sanitary District treatment plant effluent shall not exceed the following concentration limits:

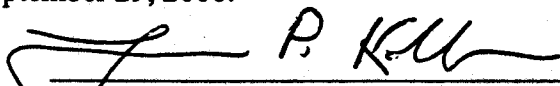
| Constituent | Monthly Avg. (mg/l) | Weekly Avg. (mg/l) | Instantaneous Maximum (mg/l) |
|-------------------|---------------------------|--------------------------|------------------------------------|
| Suspended Solids | 30 | 45 | --- |
| Chlorine Residual | --- | --- | 0.0 |

- (ii) The treated wastewater shall meet the following limits of bacteriological quality
- The moving median value for the MPN of total coliform bacteria in any five consecutive samples shall not exceed 240 MPN/100 mL; and
 - Any single sample shall not exceed 10,000 MPN/100 mL.

4. According to monitoring reports submitted by the Discharger, the Discharger had seven (7) chronic violations during the six-month period beginning January 1, 2000, and ending on June 30, 2000 (see attached table). The amount of the mandatory penalty for the chronic violations is \$12,000 ($4 * \$3,000$).
5. The total amount of the mandatory penalty is \$12,000.

**SAUSALITO-MARIN CITY SANITARY DISTRICT IS HEREBY GIVEN NOTICE
THAT:**

1. The Executive Officer of the Regional Board proposes that the Discharger be assessed a Mandatory Penalty in the amount of \$12,000.
2. A hearing shall be held by the Regional Board on October 18, 2000 unless the Discharger agrees to waive the hearing and pay the mandatory penalty of \$12,000 in full.
3. The Discharger may waive the right to a hearing. If the discharger wishes to waive the hearing, please check the appropriate box and sign the attached waiver and return it and a check made payable to the State Water Resources Control Board for the full amount of the mandatory penalty to the Regional Board's office at 1515 Clay Street, Suite 1400, Oakland, CA 94612 by September 29, 2000.


Lawrence P. Kolb, Acting Executive Officer

9/21/00

Date

WAIVER

- ☐ By checking the box I agree to waive my right to a hearing before the Regional Board with regard to the violations alleged in Complaint No. 00-077 and to remit payment for the civil liability imposed. I understand that I am giving up my right to argue against the allegations made by the Executive Officer in this Complaint, and against the imposition of, or the amount of, the civil liability proposed. I further agree to remit payment for the civil liability imposed under Complaint No. 00-077 by September 29, 2000.

Name (print)

Signature

Date

Title/Organization



California Regional Water Quality Control Board

San Francisco Bay Region

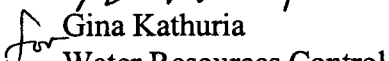
Winston H. Hickox
Secretary for
Environmental
Protection

1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460



Gray Davis
Governor

TO: Lawrence Kolb
Acting Executive Officer

FROM: 
Gina Kathuria
Water Resources Control Engineer

DATE: September 12, 2000

SUBJECT: MANDATORY MINIMUM PENALTY (MMP) FOR SAUSALITO-MARIN
CITY SANITARY DISTRICT (SMCSD)

SUMMARY OF VIOLATIONS

Serious Violations, as defined by Section 13385(h) of the California Water Code
No serious violations reported January 1 through June 30, 2000.

Chronic Violations, as defined by Section 13385(i) of the California Water Code
Attached is a table detailing each chronic violation including type of violation, permit limit, and reported value. From January 2000 through June 2000, SMCSD exceeded their chlorine residual, total suspended solids, and total coliform limits on seven (7) occasions, thus the District is subject to penalties under Section 13385(i).

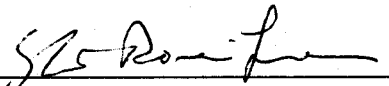
For the following reasons I recommend we impose only the minimum penalty of \$12,000 for these permit violations:

1. There are definitely chronic violations of their NPDES permit limits, see attached table for details. This was not due to any sampling, analytical, or reporting errors. The discharger has not raised any contention that these violations did not occur.
2. There were seven (7) chronic violations, as defined by Section 13385(i), during the first six months of 2000.
3. **Calculation of Penalties for Chronic Violations.** Section 13385(i) states, "A Minimum Mandatory Penalty (MMP) of three thousand dollars (\$3,000) shall be assessed for each

California Environmental Protection Agency

violation, not counting the first three violations, if the discharger does any of the following four or more times in any six-month period: (a) exceeds a waste discharge requirement effluent limitation, (b) fails to file a report pursuant to Section 13260, (c) files an incomplete report pursuant to Section 13260, (d) exceeds a toxicity discharge limitation where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants." As illustrated in the table, seven (7) chronic violations were reported. Mandatory penalties are assessed only for the fourth and subsequent violations. Therefore the MMP for chronic violations is \$12,000 ((7-3) @ \$3,000/each)) or (4 @ \$3,000/each).

If you have any questions please call me at 622-2378.

CONCUR: 
Shin-Roei Lee
Section Leader

DATE: 9/20/00

CONCUR: 
Teng-chung Wu
Division Chief

DATE: 9/21/00

SAUSALITO-MARIN CITY SANITARY DISTRICT

VIOLATIONS

| TYPE OF VIOLATION | DATE | POLLUTANT | EFFLUENT LIMIT | REPORTED VALUE | COMMENTS |
|------------------------------|---------|-------------------|------------------------------|--|--|
| C1 | 21-Jan | Chlorine Residual | 0.0 mg/L | 0.45 mg/L | |
| C2 | 23-Jan | Chlorine Residual | 0.0 mg/L | 0.51 mg/L | |
| C3 | January | TSS | 30 (mg/L) (monthly avg) | 31.2 (mg/L) | broken drive in gravity thickener, fixed on 1/25 |
| C4 | 21-Feb | Coliform | 240 MPN/100mL (5-day median) | 300 MPN/100mL | |
| C5 | 23-Feb | Coliform | 240 MPN/100mL (5-day median) | 300 MPN/100mL | inadequate pre-chlorination of sand filters which can lead to excessive biological mass in the filters and consequent high coliform counts |
| C6 | 28-Feb | Coliform | 240 MPN/100mL (5-day median) | 300 MPN/100mL | |
| C7 | 1-Mar | Coliform | 240 MPN/100mL (5-day median) | 300 MPN/100mL | see notes in February |
| No Violations | April | | | | |
| No Violations | May | | | | |
| No Violations | June | | | | |
| Number of Chronic Violations | 7 | | | Number of Chronic violations to assess penalty | 4 \$12,000 |
| Number of Serious Violations | 0 | | | Number of serious violations to assess penalty | 0 \$0 |
| | | | | TOTAL | \$12,000 |
| Notations | | | | | |
| C (x): | | | | | Running Chronic Violation, (first three are not penalized, the forth and subsequent violations equals \$3,000 each) |
| S | | | | | Significant Violation (each equals \$3,000) |